IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 3330 of 2005

Between:

S.Johnson, S/o.Late G.Swami Kan,
R/o.H.No.3-3-295(3D), Ramnagar, Picket, Secunderabad.

..... PETITIONER

AND

1 The Executive officer, Cantonment Board, Secunderabad.
2 Sri T.K.Kodandaram, represented by its Chairman, WEAVERS, 3A,

Anjinamma Compound, Picket, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ order or direction call for the entire record in and connected with preliminary notice for in respect of un-authorized construction on house & compound No.95-A, in GLR Sy.No.481/247, Picket Bazaar, Secunderabad cantonment in the form of letter No.EB/ P.No.95-A/Picket/119/165, dated 06-01-2005, issued in the wrong address declare the action of the Respondent Board is arbitrary, illegal without jurisdiction and contrary to law and squash the same consequently direct the 1st respondent to treat the construction deemed to have been given permission U/s.181(6) of the Cantonment Act, 1924 and not to harass further and pass such other order or orders deems fit and proper in the circumstances of the case and in the interest of justice.

Counsel for the Petitioner:MR.T.RAGHUNATH

Counsel for the Respondent No.1: MR.Y.V.RAVI PRASAD

Counsel for Respondent No.2: Party in person.

The Court, at the admission stage, made the following :

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O R D E R:

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This Writ Petition is filed questioning the show cause notice in the form of letter No.EB/P.No.95-A/Picket/119/165, dated 6.1.2005, issued by the 1st respondent-Cantonment Board, asking the petitioner to stop the construction and also to show cause within three days as to why action should not be taken under the provisions of the Cantonment Act, 1924.

The petitioner submitted a detailed explanation before the 1st respondent on 10.2.2005 explaining the cause. However, the 1st respondent has not passed any orders as on date, pursuant to the impugned show-cause notice dated 6.1.2005.

The 2nd respondent is impleaded, stating that when the petitioner enquired with the 1st respondent, the 1st respondent informed the petitioner that the 2nd respondent is taking objection for the construction being raised by the petitioner. Therefore, the show-cause notice was issued.

The 2nd respondent personally appeared in the Court and filed a counter stating that he is not objecting for the constructions being raised by the petitioner.

Heard both the sides.

Be that as it may, without expressing any opinion on merits, the 1st respondent is directed to consider the explanation submitted by the petitioner dated 10.2.2005 to the impugned show cause notice and pass final orders, if not already disposed of as per law, within a period of two weeks from the date of receipt of the copy of this Order.

Till such time, the respondents shall not create any hurdle and demolish the structures raised by the petitioner.

Accordingly, the Writ Petition is disposed of. No order as to costs.

C.V.RAMULU, J

19th April 2005.

BCS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Executive officer, Cantonment Board, Secunderabad.

2. 2 CD copies